

111TH CONGRESS  
1ST SESSION

# S. 696

To amend the Federal Water Pollution Control Act to include a definition  
of fill material.

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IN THE SENATE OF THE UNITED STATES

MARCH 25, 2009

Mr. CARDIN (for himself and Mr. ALEXANDER) introduced the following bill;  
which was read twice and referred to the Committee on Environment and  
Public Works

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## A BILL

To amend the Federal Water Pollution Control Act to include  
a definition of fill material.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Appalachia Restoration  
5 Act”.

6 **SEC. 2. FILL MATERIAL.**

7 Section 502 of the Federal Water Pollution Control  
8 Act (33 U.S.C. 1362) is amended by adding at the end  
9 the following:

10 “(26) FILL MATERIAL.—

1           “(A) IN GENERAL.—The term ‘fill mate-  
2           rial’ means any pollutant that—

3                   “(i) replaces a portion of the waters  
4                   of the United States with dry land; or

5                   “(ii) modifies the bottom elevation of  
6                   a body of water for any purpose.

7           “(B) EXCLUSIONS.—The term ‘fill mate-  
8           rial’ does not include—

9                   “(i) the disposal of excess spoil mate-  
10                  rial (as described in section 515(b)(22) of  
11                  the Surface Mining Control and Reclama-  
12                  tion Act (30 U.S.C. 1265(b)(22))) in wa-  
13                  ters of the United States; or

14                  “(ii) trash or garbage.”.

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